

**RULES
OF
TENNESSEE BOARD OF SOCIAL WORKER CERTIFICATION
AND LICENSURE**

**CHAPTER 1365-1
GENERAL RULES AND REGULATIONS**

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1365-1-.01 DEFINITIONS. As used in these rules, the terms and acronyms listed below shall have the following meanings ascribed to them:

- (1) Actively engaged - Engaged as an independent practitioner as a clinical social worker.
- (2) Advertising - Includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, or television broadcasting or any other means designed to secure public attention.
- (3) Applicant - Any individual seeking certification or licensure by the board who has submitted an official application and paid the application fee.
- (4) Board - The Board for Social Worker Certification and Licensure.
- (5) Board administrative office - The office of the administrator assigned to the board located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.
- (6) Board designee - Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.
- (7) Certified Master Social Worker - When the acronym C.M.S.W. appears in this rule, it is intended to mean certified master social worker as provided in T.C.A. §63-23-102.
- (8) Clinical contact hour - A “therapeutic hour” of not less than a 45 minute period in which a clinical social worker works with an individual, couple, family, or group.
- (9) Clinical experience - The assessment, evaluation, diagnosis, and treatment involving the psychotherapy process based on the professional application of social work therapy and methods.
- (10) Closed Files - An administrative action which renders an incomplete or denied file inactive.

(Rule 1365-1-.01, continued)

- (11) Clock hour - Fifty-five minutes spent in a continuing education activity. Providers who measure continuing education activities in “continuing education units” shall define CEU in clock hours.
- (12) Continuing education - Education beyond the basic licensing or certifying education requirement and which is related to the practice of social work and to the awareness of professional ethics.
- (13) Department - Tennessee Department of Health.
- (14) Division - The Division of Health Related Boards, Tennessee Department of Health, from which the board receives administrative support.
- (15) Fee - Money, gifts, services, or anything of value offered or received as compensation in return for rendering services.
- (16) Fee splitting - The practice of paying commissions to colleagues out of fees received from clients who have been referred by the colleague for rendering services.
- (17) Group supervision - The process of clinical supervision of no more than four persons in a group setting provided by an L.C.S.W. supervisor wherein practice problems are dealt with that are similar in nature and complexity to all supervisees in the group.
- (18) He/she His/her - When “he” appears in the text of these rules, the word represents both the feminine and the masculine genders.
- (19) Independent Practice - Private practice as a licensed clinical social worker.
- (20) Independent Practitioner - Licensed clinical social worker.
- (21) Individual supervision - A face-to-face meeting with one supervisor and one supervisee.
- (22) L.C.S.W. eligible - Having filed an application for the L.C.S.W. with the board and having had the application approved as eligible to sit for the clinical level examination.
- (23) License - Document issued to an applicant who successfully completes the licensure process. The license takes the form of an “artistically designed” license as well as other versions issued bearing an expiration date.
- (24) Licensed Clinical Social Worker - When the acronym L.C.S.W. appears in this rule, it is intended to mean licensed clinical social worker which is synonymous with “Independent Practitioner” as that term is used in T.C.A. §63-23-103.
- (25) Licensee - Any person who has been lawfully issued a license to practice social work in Tennessee by the board.
- (26) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (27) Post-graduate supervised experience - Supervised experience occurring after the educational institution grants the degree.
- (28) Private Practice - Those practitioners who, on either a full or part-time basis, establish their own conditions of exchange with their clients, receive direct fees, and are solely responsible for the services they provide to clients, without L.C.S.W. supervision, regardless of the organization structure.

(Rule 1365-1-.01, continued)

- (29) Registrant - Any person who has been lawfully issued a certificate to practice as a certified master social worker or licensed clinical social worker in Tennessee.
- (30) Relative - Parent, spouse, former spouse, siblings, children, cousins, in-laws (present and former), aunts, uncles, grandparents, grandchildren, step-children, employees, or anyone sharing the same household.
- (31) Supervisee - An individual who is engaged in post masters, supervised experience under the direction of a supervisor.
- (32) Supervision - The ongoing, direct clinical review, for the purpose of training or teaching, by an L.C.S.W. supervisor who monitors the performance of a person's interaction with a client and provides regular documented face-to-face contact, guidance and instructions with respect to the clinical skills and competencies of the person supervised. Supervision may include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct supervision.
- (33) Supervisor - A licensed clinical social worker who meets the requirements established by the Board for Social Worker Certification and Licensure, pursuant to Rules 1365-1-.04 through 1365-1-.08, and who provides supervision for a prospective applicant for licensure.
- (34) Use a title or description of - To hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards or other instruments of professional identification.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-23-101, 63-23-102, 63-23-103, 63-23-104, and 63-23-108.
Administrative History: Original rule filed January 22, 1986; effective February 21, 1986. Amendment filed December 20, 1988; effective February 3, 1989. Amendment filed August 17, 1990; effective October 1, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed December 19, 1998; effective March 4, 1998. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed August 16, 2002; effective October 30, 2002.

1365-1-.02 SCOPE OF PRACTICE.

- (1) Licensed Clinical Social Worker
 - (a) A licensed clinical social worker may render services or offer to render services to individuals, couples, organizations, families, groups, or the general public. Such services shall be guided by knowledge of social resources, social systems, and human behavior. They may provide assessment, evaluation, prevention, intervention, supervision, consultation and psychotherapy guided by the social work theory base.
 - (b) A social worker may not prescribe medication or interpret psychological tests.
- (2) Certified Master Social Worker
 - (a) A certified master social worker may render services or offer to render services to, individuals, couples, organizations, families, groups, or the general public. Such services shall be guided by knowledge of social resources, social systems, and human behavior. They may provide assessment, evaluation, prevention, intervention, supervision, consultation and psychotherapy guided by the social work theory base.
 - (b) A social worker may not prescribe medication or interpret psychological tests.

(Rule 1365-1-.02, continued)

- (c) A certified master social worker may not practice privately or hold himself out as a licensed clinical social worker.

Authority: T.C.A. §§4-5-202, 63-23-102, 63-23-103, 63-23-1016, and 63-23-108. **Administrative History:** Original rule filed January 22, 1986; effective February 21, 1986. Amendment filed October 31, 1990; effective December 15, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994.

1365-1-.03 NECESSITY OF LICENSE. Unless an individual holds a current unrevoked or unsuspended license in Tennessee, he may not practice social work as an independent practitioner.

Authority: T.C.A. §§4-5-202, 63-23-103, 63-23-106, and 63-23-108. **Administrative History:** Original rule filed January 22, 1986; effective February 21, 1986. Amendment filed January 5, 1990; effective February 19, 1990. Amendment filed July 19, 1990; effective September 2, 1990. Amendment filed February 14, 1991; effective March 31, 1991. Repeal and new rule filed April 6, 1994; effective June 20, 1994.

1365-1-.04 QUALIFICATIONS FOR CERTIFICATION AND LICENSURE. Prior to submitting an application each of the following qualifications must be met by a candidate for certification or licensure.

- (1) Certified Master Social Worker - Must be a graduate with a master's or doctorate degree in social work, as provided in T.C.A. §§ 63-23-102, granted by a university, college, or school of social work accredited by the Council on Social Work Education.
- (2) Licensed Clinical Social Worker by Examination
 - (a) Must be currently registered with the board as a certified master social worker.
 - (b) Must have had two years of supervised post-masters' clinical experience accrued entirely after receipt of C.M.S.W., which was supervised by an L.C.S.W.
- (3) Licensure by Reciprocity - The Board may issue a license to any person to practice as a clinical social worker who, at the time of application, holds a valid license issued by a board of social work of any state, has met the requirements of paragraph (1) of this rule, has completed two (2) years of supervised post-graduate clinical experience pursuant to rule 1365-1-.10, and provides evidence of not having failed the examination pursuant to Rule 1365-1-.08.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-23-102, 63-23-102, 63-23-103, 63-23-106, 63-23-108, and 63-23-109. **Administrative History:** Original rule filed September 15, 1987; effective October 30, 1987. Amendment filed December 30, 1988; effective February 13, 1989. Amendment filed July 19, 1990; effective September 2, 1990. Amendment filed August 17, 1990; effective October 1, 1990. Amendment filed January 24, 1991; effective March 10, 1991. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed November 4, 2002; effective January 18, 2003. Amendment filed September 4, 2003; effective November 18, 2003.

1365-1-.05 PROCEDURES FOR CERTIFICATION AND LICENSURE. To become certified and/or licensed as a social worker in Tennessee, a person must comply with the following procedures and requirements:

- (1) Certified Master Social Worker. Any individual holding a master's or doctorate degree in social work, as provided in T.C.A. § 63-23-102, granted by a university, college, or school of social work accredited by the Council on Social Work Education, may make application for licensure as a certified master social worker.
 - (a) An application packet shall be requested from the board office.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form, and submit it along with all documentation and

(Rule 1365-1-.05, continued)

fees required by the form and this rule to the board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.

- (c) At the time of application, an applicant shall pay the certification and State Regulatory fees as provided in Rule 1365-1-.06.
- (d) An applicant shall submit with his application a signed passport photograph taken within the preceding 12 months. The applicant must sign his name on the back of the photograph.
- (e) It is the applicant's responsibility to request a graduate transcript from his institution pursuant to T.C.A. §63-13-102 be submitted directly from the school to the board's administrative office. The institution granting the degree must be accredited at the time the degree was granted. This transcript must show that the degree has been conferred and carry the official seal of the institution. The transcript must show a master's or doctorate degree in social work. The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the transcript meets the requirements of T.C.A. §63-23-102. The educational requirement contained in this rule must be completed prior to the date of the application for certification.
- (f) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of the certificate or license holder in any country, state, or municipality.
 - 3. Loss or restriction of certification or licensure privileges.
 - 4. Any other civil suit judgment or adverse settlement in which the applicant was party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or other civil action remedy recognized under the country's or state's statutory, common, or case law.
- (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.
- (h) If an applicant holds or has ever held a certificate or license to practice as a social worker in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each state licensing board which indicates the applicant holds a certificate or license and whether it is in good standing presently or was at the time it became inactive.
- (i) Any person who holds a master's degree in social work from an institution outside the United States may apply to the board for certification after his academic training in social work has been evaluated and determined to be equivalent to a degree awarded from a school accredited by the Council on Social Work Education. Any such person shall submit a copy of the academic training evaluation from the Foreign Equivalency Determination Service of the Council on Social Work Education.
- (j) Where necessary, all required documents shall be translated into English, and a translation (certified as to authenticity) and the original document shall be submitted.

(Rule 1365-1-.05, continued)

- (k) The board may request information directly from various sources; however, it is the applicant's responsibility to submit the documentation or cause to be submitted the documentation necessary to complete the file.
 - (l) Personal resumes will not be accepted in lieu of any part of the application and will not be reviewed.
 - (m) The burden is on the applicant to prove by a preponderance of the evidence that his course work is equivalent to the board's requirements.
 - (n) An individual must be registered with the Board of Social Workers as a certified master social worker prior to beginning his supervised clinical experience for licensure.
- (2) Licensed Clinical Social Worker. An applicant who has the equivalence of two (2) calendar years full-time clinical experience, pursuant to Rules 1365-1-.10 and 1365-1-.14, may apply for licensure by examination to engage in independent practice.
- (a) Current registration with the Board for Social Workers Certification and Licensure as a certified master social worker (CMSW) is a prerequisite to filing an application for licensure and/or beginning a supervised clinical experience for the purpose of licensure. A photocopy of the applicant's current CMSW certificate must accompany the LCSW application.
 - (b) The applicant shall request an application packet from the board's administrative office.
 - (c) An applicant shall respond truthfully and completely to every question or request for information contained in the application form, and submit it along with all documentation and fees required by the form and this rule to the board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (d) At the time of application, an applicant shall pay the application, license, and State Regulatory fees as provided in Rule 1365-1-.06.
 - (e) An applicant shall submit with his application a signed passport photograph taken within the preceding 12 months. The applicant must sign his name on the back of the photograph.
 - (f) Except for applicants who are currently certified in Tennessee as a CMSW, an applicant must provide a photocopy of his diploma or official transcript. An official transcript must be sent directly from the school to the board's administrative office.
 - (g) It is the applicant's responsibility to furnish a reference letter from another licensed clinical social worker (not the LCSW who provided the clinical supervision), to the effect that the applicant has had the equivalency of two years full-time clinical experience, accrued entirely after receipt of the master's degree in social work and after obtaining his CMSW, under the supervision of a person licensed as a clinical social worker. If the person signing the reference letter is not duly licensed in Tennessee, but is licensed in another state, documentation of his licensure must be included.
 - (h) A "Profession Reference Assessment" (verification of supervision) form, furnished by the board and included with the application information, must be completed by the applicant's LCSW supervisor(s) and sent directly to the board showing evidence of completion of two years full-time clinical experience pursuant to Rule 1365-1-.10.

(Rule 1365-1-.05, continued)

- (i) An applicant shall submit with his application, as required by Rule 1365-1-.10, copies of his personal records / logs of the two thousand (2000) clinical contact hours of supervised experience.
 - (j) An applicant shall submit with his application, as required by Rule 1365-1-.10, copies of his supervisor(s) records / logs of the two thousand (2000) clinical contact hours of supervised experience.
 - (k) The applicant shall instruct the examination service to send directly to the board's administrative office verification of his examination scores and level of exam taken.
 - (l) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of the certificate or license holder in any country, state, or municipality.
 - 3. Loss or restriction of certification or licensure privileges.
 - 4. Any other civil suit judgment or adverse settlement in which the applicant was party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or other civil action remedy recognized under the country's or state's statutory, common, or case law.
 - (m) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
 - (n) If an applicant holds or has ever held a certificate or license to practice as a social worker in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each state licensing board which indicates the applicant holds a certificate or license and whether it is in good standing presently or was at the time it became inactive.
 - (o) The board may request information directly from various sources; however, it is the applicant's responsibility to submit the documentation or cause to be submitted the documentation necessary to complete the file.
 - (p) Personal resumes will not be accepted in lieu of any part of the application and will not be reviewed.
 - (q) The burden is on the applicant to prove by a preponderance of the evidence that his course work is equivalent to the board's requirements.
 - (r) Where necessary, all required documents shall be translated into English, and a translation (certified as to authenticity) and the original document shall be submitted.
- (3) Licensure by Reciprocity
- (a) The board may issue a license to any person who, at the time of application, holds a valid license issued by a board of social work of any state; provided, in the board's opinion, the requirements for that original licensure are substantially equivalent to Tennessee's and the person has not previously failed the examination given by the board. The licensing state's

(Rule 1365-1-.05, continued)

original licensure issuance must have been based on the following, for which documentation must be provided by the applicant if deemed necessary by the board:

1. The individual having an educational degree of master or doctor of social work, as provided in T.C.A. § 63-23-102, from a college, university or school of social work accredited by the Council on Social Work Education; and
 2. The individual having completed two years post-master's clinical experience under the supervision of an individual whose credentials are equivalent to a Tennessee LCSW; and
 3. The individual having taken and passed the Association of Social Work Boards (ASWB) clinical level approved examination in the state where the original license was issued and obtained a passing score pursuant to paragraph (8) of rule 1365-1-.08.
- (b) The applicant shall request an application packet from the board's administrative office.
- (c) An applicant shall respond truthfully and completely to every question or request for information contained in the application form, and submit it along with all documentation and fees required by the form and this rule to the board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
- (d) At the time of application, an applicant shall pay the application, license, and state regulatory fees as provided in Rule 1365-1-.06.
- (e) An applicant shall submit with his application a signed passport photograph taken within the preceding 12 months. The applicant must sign his name on the back of the photograph.
- (f) An applicant shall disclose the circumstances surrounding any of the following:
1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 2. The denial of certification or licensure application by any other state or the discipline of the certificate or license holder in any country, state, or municipality.
 3. Loss or restriction of certification or licensure privileges.
 4. Any other civil suit judgment or adverse settlement in which the applicant was party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or other civil action remedy recognized under the country's or state's statutory, common, or case law.
- (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification or licensure application materials, the result of a criminal background check.
- (h) An applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each state licensing board which indicates the applicant holds a certificate or license and whether it is in good standing presently or was at the time it became inactive. At least one license shall be current.
- (i) The applicant shall provide the board with a legible photocopy of:

(Rule 1365-1-.05, continued)

1. His original state's licensing law and rules.
 2. Photocopy of original license with number from state where applicant holds a current license.
 3. Photocopy of current renewal certificate with number and expiration date from the issuing state.
- (j) The applicant shall instruct the examination service to send directly to the board's administrative office verification of his examination scores and level of exam taken.
- (k) The board may request information directly from various sources; however, it is the applicant's responsibility to submit the documentation or cause to be submitted the documentation necessary to complete the file.
- (l) Personal resumes will not be accepted in lieu of any part of the application and will not be reviewed.
- (m) The burden is on the applicant to prove by a preponderance of the evidence that his course work is equivalent to the board's requirements.
- (n) Where necessary, all required documents shall be translated into English, and a translation (certified as to authenticity) and the original document shall be submitted.
- (o) An individual licensed in another state who does not qualify for licensure by reciprocity must apply for licensure by examination.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-23-102, 63-23-103, 63-23-106, 63-23-107, 63-23-108, and 63-23-109.

Administrative History: Original rule filed September 15, 1987; effective October 30, 1987. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed February 1, 2002; effective April 17, 2002. Amendment filed September 13, 2002; effective November 27, 2002. Amendment filed November 4, 2002; effective January 18, 2003. Amendment filed July 22, 2003; effective October 5, 2003. Amendment filed September 4, 2003; effective November 18, 2003. Amendment filed March 14, 2006; effective May 28, 2006.

1365-1-.06 FEES.

- (1) The fees are as follows:
- (a) Application fee - A nonrefundable fee to be paid by all applicants, including those seeking licensure by reciprocity. It must be paid each time an application for certification or licensure is filed. A portion of the application fee shall accompany a written request for an application packet. The remainder of the application fee is due upon the completion and submission of the application.
 - (b) Certification fee - A nonrefundable fee to be paid by C.M.S.W. applicants in lieu of the application fee.
 - (c) Duplicate License fee - A nonrefundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license.
 - (d) Endorsement/Verification - A nonrefundable fee to be paid for each certification, endorsement or verification of an individual's record for any purpose.

(Rule 1365-1-.06, continued)

- (e) Late Renewal fee - A nonrefundable fee to be paid when an individual fails to timely renew his certificate or license.
 - (f) License fee - A nonrefundable fee to be paid prior to the issuance of the “artistically designed” license, and applies to applicants seeking licensure by examination and to applicants seeking licensure by reciprocity.
 - (g) Renewal fee - A nonrefundable fee to be paid by all certificate and license holders. This fee also applies to individuals who reactivate a retired license.
 - (h) State Regulatory fee - To be paid by all individuals at the time of application and with each renewal application.
 - (i) Reinstatement fee - A nonrefundable fee to be paid each time an individual requests to reinstate his license.
- (2) All fees shall be established by the board or the division. Fees may be reviewed and changed at the discretion of the board.
- (3) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Social Worker Certification and Licensure.
- (4) Schedule of Fees
- (a) Certified Master Social Worker

1. Certificate	\$100.00
2. Endorsement/Verification	\$ 20.00
3. Late Renewal	\$100.00
4. Reinstatement	\$100.00
5. Renewal (Biennial)	\$120.00
6. State Regulatory (Biennial)	\$ 10.00
 - (b) Licensed Clinical Social Worker

1. Application	\$125.00
2. Endorsement/Verification	\$ 20.00
3. Late Renewal	\$100.00
4. License	
(i) By Examination	\$ 75.00
(ii) By Reciprocity	\$275.00

(Rule 1365-1-.06, continued)

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| 5. | Reinstatement | \$100.00 |
| 6. | Renewal (Biennial) | \$120.00 |
| 7. | Replacement License (Duplicate) | \$ 25.00 |
| 8. | State Regulatory (Biennial) | \$ 10.00 |

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-106, 63-1-107, 63-1-114, 63-1-118, 63-23-102, 63-23-102(a), 63-23-103, 63-23-103(3), 63-23-104, 63-23-104(a)(1), 63-23-108, and 63-23-109. **Administrative History:** Original rule filed September 15, 1987; effective October 30, 1987. Amendment filed August 17, 1990; effective October 1, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed November 4, 2002; effective January 18, 2003. Amendment filed September 4, 2003; effective November 18, 2003.

1365-1-.07 APPLICATION REVIEW, APPROVAL, DENIAL.

- (1) Applications for certification and licensure will be accepted throughout the year. Files which are completed on or before the 30th day prior to a meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files. A complete file consists of the original application, fees, and all supporting documentation.
- (2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the board's administrator; however, final approval of all applications is made and ratified by the board. In no event may an application be denied without prior review by the board or its designee.
- (3) After review of a completed application and a decision rendered by the board or its designee, the applicant will be notified by mail within ten working days. A certificate or license may be issued pursuant to the initial determination made by a board designee; however, such determination shall not become fully effective until such time as the full board ratifies it.
- (4) Incomplete applications -
 - (a) The Board's determination of the completeness of an application includes:
 1. The assessing of the merit of each document submitted.
 2. The ability to ask for additional documentation when necessary.
 3. The right to refuse certain documentation as not meeting requirements.
 - (b) If an application is incomplete when received in the Board's administrative office, or the Board or its designee determines during its review that additional explanation or documentation is necessary, the following will occur:
 1. A deficiency letter will be sent by the Board's administrative office to the applicant.
 2. The applicant shall cause requested information or documentation that is evidence satisfactory to the Board of successful completion of the requirement(s) to be sent directly to the Board's administrative office. The evidence submitted shall not be dispositive of this requirement.

(Rule 1365-1-.07, continued)

3. If the requested information or documentation is not received in the Board's administrative office on or before the thirtieth (30th) day after receipt of the deficiency letter, the application file shall be closed and the applicant notified. No further board action will take place until a new application is received pursuant to the rules governing the application process, including another payment of all fees.
- (5) If a completed application has been denied and ratified as such by the board, the action shall become final and the following shall occur:
 - (a) A notification of the denial shall be sent within ten working days by the board's administrative office. Such notification will be sent to the applicant by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure or certification, and such notification shall contain all the specific statutory or rule authorities for the denial.
 - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Acts (T.C.A. §4-5-301, et seq.) to contest the denial and the procedure necessary to accomplish that action.
 - (c) An applicant has a right to a contested case hearing only if the denial was based on subjective or discretionary criteria.
 - (d) An applicant may be granted a contested case hearing if licensure denial is based on an objective, clearly defined criteria only if after review and attempted resolution by the board's administrative staff, the application cannot be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal. Such request must be made in writing to the board within 30 days of the receipt of the notice from the Board.
 - (6) The board may at its discretion delay a decision on eligibility to take the examination for any applicant for whom the board wishes additional information for the purpose of clarifying information previously submitted. This request from the board shall be made to the applicant in writing and shall be made within ten working days after the date of the official review of the application by the board.
 - (7) A certificate or license will be issued only after all requirements have been met and upon approval by the board or board designee. Determinations made by a board designee shall not become fully effective until such time as the full board ratifies it.
 - (8) If the board finds it has erred in the issuance of a certificate or license, the board will give written notice by certified mail return receipt requested of its intent to annul the certificate or license. The notice will allow the applicant the opportunity to meet the requirements of certification or licensure within 30 days from date of receipt of the notification.
 - (9) Abandonment of Application. Failure of an applicant to timely complete all forms and provide all information required by the board and by the law shall be just cause for an application to be denied by the board and for the file to be closed as set forth in these rules.
 - (a) An application shall be deemed abandoned and closed if:
 1. The CMSW application has not been completed by the applicant on or before the 30th day from receipt of the deficiency notification.
 2. The LCSW by examination application has not been completed on or before the 30th day from receipt of the deficiency notification. Once deemed eligible to sit for the

(Rule 1365-1-.07, continued)

examination, the applicant will have 12 months to take and pass the examination, pursuant to Rule 1365-1-.08.

3. The LCSW by reciprocity application has not been completed on or before the 30th day after receipt of the deficiency notification.
- (b) Whenever an applicant fails to complete the application process within the time frame stated above, the following shall occur:
 1. The application will be deemed abandoned and the file will be closed; and
 2. The determination of abandonment will be ratified by the Board; and
 3. Written notification of the board's determination will be mailed to the applicant.
- (c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.
- (10) If an applicant requests one entrance for licensure and later wishes to change that application to a different type of entrance, a new application with supporting documents and an additional application fee must be submitted, i.e., from reciprocity to examination.

Authority: T.C.A. §§4-5-102(3), 4-5-202, 4-5-204, 63-23-102, 63-23-103, 63-23-104, 63-23-106, 63-23-108, and 63-23-109. **Administrative History:** Original rule filed July 25, 1990; effective September 8, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed March 9, 2001; effective May 23, 2001.

1365-1-.08 EXAMINATIONS. In addition to having filed an application, social workers seeking licensure shall be required to pass a written examination.

- (1) Only individuals who have the qualifications prescribed by the board in these rules are eligible to take the examination.
- (2) After review and only upon approval by the Board of Social Worker Certification and Licensure of the completed application and supporting credentials, the applicant shall be eligible to sit for the written examination.
- (3) The written examination, as adopted by the Board of Social Worker Certification and Licensure, is the examination accepted by the Association of Social Work Boards (ASWB).
- (4) Admission to, application for, and the required fee to sit for the written exam are governed by and must be submitted to the examination service. However, the examination service will not permit Tennessee applicants to be admitted to the examination until the board has deemed them eligible.
- (5) Specific information concerning the written examination and dates may be obtained by reviewing the Candidate Handbook provided with the original application packet or by contacting ASWB, P. O. Box 1508, Culpeper, VA 22701 (1-888-5SW-EXAM).
- (6) Upon receipt of notification from the board of eligibility to sit for the written examination, the applicant is to follow instructions as outlined in the Candidate Handbook for applying to sit for the C-level (clinical) examination.

(Rule 1365-1-.08, continued)

- (7) The testing service will administer the written exam. The examination will be scored at the test site and results made available immediately to the candidate. Test results will be sent by mail to the Board for Social Workers by ASWB.
- (8) The board requires an examination scaled score of seventy-five (75) as the passing score, except for reciprocity applicants whose passing score shall be the passing score as determined by the ASWB.
- (9) Individuals will be notified in writing by the board's administrative office as to the results of the written examination.
- (10) An applicant who receives a passing score on the written exam will be issued a license if all other requirements have been met including the payment of the license fee.
- (11) At its discretion the board may delay a decision on eligibility to take the written examination for any applicant for whom the board wishes additional information.
- (12) If an applicant neglects, fails or refuses to take the written examination or fails to pass the written examination for licensure under these rules within 12 months after being deemed eligible by the board, the application will be denied. However, such applicant may thereafter make a new application accompanied by the required fee. The applicant shall meet the requirements in effect at the time of the new application.
- (13) Re-examination - Applicants who fail to successfully complete the examination may apply for retesting by contacting ASWB directly and following their procedures for retaking the examination. However, individuals who have not successfully completed the application processing, including passing the examination, within the allotted time frame will be required to reapply pursuant to Rule 1365-1-.05 and 1365-1-.07.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-23-103, 63-23-108, and 63-23-109. **Administrative History:** Original rule filed October 31, 1990; effective December 15, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed September 4, 2003; effective November 18, 2003.

1365-1-.09 RENEWAL OF CERTIFICATE OR LICENSE.

- (1) Renewal Application
 - (a) The due date for certification or licensure renewal is the expiration date indicated on the individual holder's renewal certificate or license.
 - (b) Methods of Renewal
 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 2. Paper Renewals - For individuals who have not renewed their license or certificate online via the Internet, a renewal application form will be mailed to each individual licensed or certified by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee or certificate holder from the responsibility of meeting all requirements for renewal.

(Rule 1365-1-.09, continued)

- (c) To be eligible for renewal, an individual must have completed continuing education requirements provided in Rule 1365-1-.12 and submit to the Division of Health Related Boards on or before the expiration date all the following:
 - 1. A completed and signed board renewal application form, and
 - 2. The renewal and state regulatory fees as provided in Rule 1365-1-.06.
 - (d) Licensees or certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses or certificates processed pursuant to rule 1200-10-1-.10.
- (2) Reinstatement of an Expired License or Certificate.
- (a) Reinstatement of a license or a certificate that has expired may be accomplished upon meeting the following conditions:
 - 1. Payment of all past due renewal fees and state regulatory fees, pursuant to Rule 1365-1-.06; and
 - 2. Payment of the Late Renewal fee, pursuant to Rule 1365-1-.06; and
 - 3. Provide documentation of successfully completing continuing education requirements for every year the license or certificate was expired, pursuant to Rule 1365-1-.12.
 - (3) Anyone submitting a signed renewal form or letter which is found to be untrue may be subject to disciplinary action as provided in Rule 1365-1-.15.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-23-104, 63-23-105, 63-23-106, and 63-23-108.

Administrative History: Original rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed August 16, 2002; effective October 30, 2002.

1365-1-.10 SUPERVISION.

- (1) Supervision as the term is used in T.C.A. § 63-23-103 is considered to include the following.
 - (a) Frequent and regularly scheduled one to one discussion or a group discussion between supervisor and supervisee(s) which shall focus on:
 - 1. Data from the supervisee's clinical work made available to the supervisor by oral and written clinical reports, direct observation, and/or audio recordings;
 - 2. Mutually establishing goals and objectives for the promotion of learning.
 - (b) Review of supervisee's specific cases and evaluating his skill development by the supervisor.
- (2) The L.C.S.W. applicant by examination, after having become a certified master social worker (C.M.S.W.), shall have completed a total of two thousand (2,000) clinical contact hours over not less than a two (2) year period. The L.C.S.W. applicant by reciprocity shall have completed a total of two thousand (2,000) clinical contact hours over not less than a two (2) year period.

(Rule 1365-1-.10, continued)

- (a) The clinical experience shall include at least one supervisor-supervisee hour for every 20 clinical contact hours (client-therapist) for a total of 100 supervisor contact hours (supervisor-supervisee) over not less than a two year period.
- (b) At least 60 of the 100 supervisor contact hours must be one-to-one supervisor-supervisee supervision; and no more than 40 hours may be in a situation where the supervisor is working with no more than four supervisees in a group setting.
- (c) Individual and group supervision must be provided by a licensed clinical social worker.
- (d) The above supervision time shall be in addition to:
 - 1. Any overall administrative supervision, and
 - 2. Any group seminar or group consultation which is deemed appropriate.
- (3) Both the supervisor and supervisee must maintain records of the experience and the supervision process. Verification of supervision will be submitted by both the supervisor and supervisee at the time the application for licensure is filed in the Board's administrative office.
- (4) A supervisor providing supervision prior to December 31, 1993, must be
 - (a) A Licensed Clinical Social Worker during supervision period, or
 - (b) A Licensed Clinical Social Worker deemed "eligible" during supervision period. L.C.S.W. "eligible" is defined as having filed an application for the licensure Level C, ASI exam with the board and having the application accepted by the board.
- (5) A supervisor providing supervision after December 31, 1993, must be a current L.C.S.W.
 - (a) Applicants from another state seeking licensure by examination in Tennessee must provide evidence of supervision by an L.C.S.W. in the state where the supervision was performed. The supervisor must have passed the Level C, ASI examination. If the supervisor is not licensed or the state has no provision for licensure, then the applicant must obtain the prerequisite supervision from a licensed clinical social worker in Tennessee.
 - (b) No members of any other mental health or medical discipline will qualify as an approved supervisor for L.C.S.W. licensure.
- (6) Conflict of Interest Supervision - Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws, (present or former), step-children, grandparents, grandchildren, aunts, uncles, employees, or anyone sharing the same household shall not be acceptable toward fulfillment of licensure requirements. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payment for actual supervisory hours.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-23-102, 63-23-103, 63-23-106, 63-23-108, and 63-23-109.
Administrative History: Original rule filed April 6, 1994; effective June 20, 1994. Amendment filed November 4, 2002; effective January 18, 2003. Amendment filed July 22, 2003; effective October 5, 2003. Amendment filed March 14, 2006; effective May 28, 2006.

1365-1-.11 RETIREMENT AND REACTIVATION OF CERTIFICATE AND LICENSE.

- (1) Once a certified master social worker obtains the status of licensed clinical social worker his C.M.S.W. is automatically administratively retired by the board's administrative office, unless written notification is received within 30 days from notification of licensure, that the certificate is not to be retired.
- (2) A person who is not practicing, holds a current certificate or license, and does not intend to practice in Tennessee, and who therefore, does not intend to use the title "certified master social worker" or "licensed clinical social worker" may apply to convert an active certificate or license to retired status and will not be required to pay the renewal fee. The person seeking retirement must:
 - (a) Obtain from, complete, and submit to the board's administrative office an affidavit of retirement form.
 - (b) Submit any documentation which may be required by the form to the board's administrative office.
- (3) Certificate or license holders whose certificate or license has been retired may reenter active status by doing the following:
 - (a) Submit a written request for certification or licensure reactivation to the board's administrative office;
 - (b) Pay the certification or licensure renewal fee and state regulatory fee as provided in Rule 1365-1-.06. If retirement reactivation is requested prior to the expiration of one year from the date of retirement, the board will require payment of the late renewal fee, past due certification and/or licensure renewal fee, and
 - (c) Submit official written documentation of completing continuing education pursuant to Rule 1365-1-.12.
- (4) Certification and/or licensure reactivation applications shall be treated as new certification and/or licensure applications and review and decisions shall be governed by Rule 1365-1-.07.
- (5) Certified master social worker certificates which have been administratively retired upon obtaining status of licensed clinical social worker will be exempt from continuing education requirements upon reactivation.

Authority: T.C.A. §§4-5-202, 63-23-104, 63-23-105, 63-23-106, and 63-23-108. **Administrative History:** Original rule filed April 6, 1994; effective June 20, 1994.

1365-1-.12 CONTINUING EDUCATION.

- (1) Social Work Continuing Education is considered to be those preplanned/formalized activities with written learning objectives that are directed at developing and enhancing an individual's awareness of professional ethics and an individual's social work knowledge base and service delivery skills in the applicable areas of social work planning, administration, education, research or direct service with individuals, couples, families, and groups.
 - (a) These activities may include short academic courses, courses audited at accredited colleges and universities, workshops, seminars, conferences, and lectures oriented toward enhancement of professional ethics awareness and of social work practice, values, skills and knowledge for the purpose of accomplishing specific written learning objectives.

(Rule 1365-1-.12, continued)

- (b) Multi-Media courses may be taken for continuing education credit.
 - 1. Multi-Media courses may include courses utilizing:
 - (i) The Internet
 - (ii) Closed circuit television
 - (iii) Satellite broadcasts
 - (iv) Correspondence courses
 - (v) Videotapes
 - (vi) CD-ROM
 - (vii) DVD
 - (viii) Teleconferencing
 - (ix) Videoconferencing
 - (x) Distance learning
 - 2. A maximum of nine (9) credit hours may be granted for multi-media courses during each calendar year.
- (2) Clock Hour - A clock hour represents actual time in continuing education activity. (Providers who measure continuing education activities in “continuing education units” shall define CEU in clock hours.)
- (3) Basic Requirements - Each social worker registered with the board (C.M.S.W. and L.C.S.W.) is required to complete fifteen (15) clock hours of continuing education during each calendar year.
 - (a) Ten (10) hours of the fifteen (15) clock hour requirement shall regard social work.
 - (b) Three (3) hours of the fifteen (15) clock hour requirement shall regard professional ethics.
 - (c) Two (2) hours of the fifteen (15) clock hour requirement may regard social work or professional ethics.
 - (d) For Certified Master Social Worker applicants, successful completion of the education requirements, pursuant to rule 1365-1-.04 (1) (a), shall be considered sufficient preparatory education to be substituted for the required hours of continuing education for the remainder of the calendar year in which the education requirements were completed.
 - (e) Those persons who hold an active CMSW and LCSW authorization to practice must separately satisfy the continuing education requirements for each certificate or license they wish to renew with no duplication between the two.

(Rule 1365-1-.12, continued)

(4) Acceptable Social Work Continuing Education

- (a) Acceptable continuing education shall consist of seminars, workshops, or mini-courses oriented to the awareness of professional ethics and to the enhancement of social work practice, values, skills, and knowledge for the purpose of accomplishing specific written learning objectives.
 - 1. Cross-disciplinary offerings from medicine, law, administration, education and the behavioral sciences are acceptable, if they are clearly related to the awareness of professional ethics and to the enhancement of social work practices, values, skills, and knowledge.
 - 2. In-service training can be provided by the employer using presenters from the staff or from outside agencies.
 - 3. Attendance at educational events sponsored by national, state, regional, or local professional associations in the field or events related to the practice of the profession for which a nationally or regionally accredited institution of higher education grants CEUs is acceptable. Providers who measure continuing education activities in "continuing education units" (CEU's) shall define CEU in clock hours.
- (b) Master or doctoral level social work courses or social work related courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance taken for credit or audited from a nationally or regionally accredited institution of higher education.
- (c) Presentation for the first time of an academic social work course, in-service training workshop or seminar, or other professional seminar.
- (d) Preparation for the first time of a professional social work paper published in a recognized professional journal or given for the first time at a statewide or national professional meeting.

(5) Documentation

- (a) Each C.M.S.W. or L.C.S.W. registered with the board must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification if requested in writing by the board during its verification process. The board will not maintain continuing education files.
- (b) The board will conduct a random audit of selected individual records to assure that the continuing education requirements have been met. An individual's records may be audited during consecutive renewal periods.
- (c) If audited, the individual must, within fifteen (15) working days of a request from the board, provide evidence that is satisfactory to the Board of compliance with this rule. Such evidence may include, but not be limited to, one (1) or more of the following:
 - 1. Certificates verifying the individual's attendance at continuing education program described in these Rules.
 - 2. An individual submitting a program as evidence of attendance at a continuing education event will also be required to submit two or more of the following for each program

(Rule 1365-1-.12, continued)

- submitted: original registration receipt, signed program canceled check (front and back), hotel bill, name badge, or an original letter on official stationery signed by a professional associate who attended.
3. An original letter on official institution stationery from the instructor of the graduate level course verifying that the course was completed and listing the number of credit hours of attendance completed by the individual.
 4. Official transcript verifying credit hours earned. One academic credit hour is equivalent to 15 clock hours for the purpose of certification/licensure renewal. Credit for auditing will be for the actual clock hours in attendance, not to exceed the academic credit.
 5. Written documentation of training that is kept by the social worker's employer. When submitting evidence of continuing education, the documentation must include employer's name, address and phone number along with the individual's name as registered with the board, certificate/license number and social security number, course name and clock hours of attendance. The C.M.S.W./L.C.S.W. must sign the form as well as his supervisor or employer certifying that the program was monitored and the social worker was in attendance at all of the sessions listed.
 6. A copy of the course syllabus and verification that the course, workshop or seminar was presented may be used as documentation. A maximum of five clock hours will be allowed for preparation and presentation during each renewal period.
- (d) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the board will request a written description of the training and how it applies to the individual's employment as a social worker. If the board determines that the training cannot be considered appropriate continuing education, the individual will be given 60 days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.
- (e) Continuing education credit will not be allowed for the following:
1. The C.M.S.W./L.C.S.W.'s regular work activities, administrative staff meetings, case staffing/reporting, etc.
 2. Membership, holding office in, or participation on boards or committees, business meetings of professional organizations, or banquet speeches.
 3. Independent unstructured or self-structured learning.
 4. Training specifically related to policies and procedures of an agency may not be counted.
 5. Non-social work or non-clinical content courses-examples: computer, finance or business management.
- (6) The board does not preapprove continuing education programs. It is the C.M.S.W./L.C.S.W.'s responsibility, using his professional judgment and utilizing the guidelines provided within these rules, to determine whether or not the programs are applicable and appropriate to his professional development and meet the standards specified in these rules.
- (7) Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired Certificate or License.

(Rule 1365-1-.12, continued)

- (a) Reactivation of a retired certificate or license.
 - 1. An individual whose certificate or license has been retired for one year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reinstatement. Those hours will be considered replacement hours and cannot be counted during the next renewal period.
 - 2. Any individual requesting reactivation of a certificate or license which has been retired more than one year must submit along with the reactivation request, verification which indicates the attendance and completion of 15 hours of continuing education which must have been begun and successfully completed within 12 months immediately preceding the date of requested reinstatement. The continuing education hours completed to reinstate a retired certificate or license shall not be credited toward the continuing education hours required to be completed by the end of the renewal cycle following reinstatement.
 - 3. The board, upon receipt of a written request and explanation, may waive the continuing education for reactivation of a retired certificate or license in emergency situations.
 - (b) Reactivation of a Revoked Certificate or License - No person whose certificate or license has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as for those certificates or licenses which are active. The required clock hours of continuing education must have been begun and successfully completed within twelve (12) months immediately preceding the date of reactivation. A certificate or license which has been revoked for non-compliance with the continuing education requirement shall also be subject to the late renewal fee pursuant to Rule 1365-1-.06.
 - (c) Reinstatement of an Expired Certificate or License - No person whose certificate or license has expired may be reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reinstatement must equal the hours required, had the certificate or license remained in an active status, and must have been begun and successfully completed within twelve (12) months immediately preceding the date of reinstatement.
 - (d) Continuing education hours obtained as a prerequisite for reactivating or reinstating a certificate or license may not be counted toward the calendar year requirement for the year in which reactivation or reinstatement is requested.
- (8) Waiver of Continuing Education
- (a) The board may grant a waiver to any C.M.S.W. or L.C.S.W. of the need to certify attendance and completion of the required hours of continuing education, if it can be shown to the board that the failure to comply was not attributable to or was beyond the physical capabilities of the individual, i.e., disability, residence abroad, military service, or other reasonable cause. Such requests for waiver must be accompanied by written documentation acceptable to the board.
 - (b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the board administrative office.
 - 1. A written request for a waiver which specifies what requirement is sought to be waived and including a written, signed explanation of the reasons for the request,
 - 2. Any documentation which supports the reason for the waiver requested or which may be subsequently requested by the board.

(Rule 1365-1-.12, continued)

- (c) A waiver approved by the board is effective for only the period for which the waiver of the continuing education requirement is sought, unless otherwise specified in writing by the board.
- (9) Violations
 - (a) Any licensee or certificate holder who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can not adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.
 - (b) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrant the intended action.
 - (c) The licensee or certificate holder has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license or certificate.
 - (d) Any licensee or certificate holder who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (9) (b) above may be subject to disciplinary action.
 - (e) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any calendar year.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-23-104, 63-23-105, 63-23-106, and 63-23-108.
Administrative History: Original rule filed April 6, 1994; effective June 20, 1994. Amendment filed December 19, 1997; effective March 4, 1998. Amendment filed April 19, 2000; effective July 3, 2000. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed August 16, 2002; effective October 30, 2002.

1365-1-.13 UNETHICAL CONDUCT.

- (1) The licensed clinical social worker and certified master social worker and anyone under his supervision shall conduct their professional practice in conformity with the legal, ethical and professional standards promulgated by the board under its current statutes and rules and regulations.
 - (a) All licensees and certificate holders shall comply with the code of ethics adopted by the National Association of Social Workers, 750 First Street, NE, Suite 700, Washington, DC 20002-4241, except to the extent it conflicts with the laws of the state of Tennessee or the rules of the Board. If the code of ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the code of ethics or state law or rules may subject a licensee or certificate holder to disciplinary action.
- (2) Each applicant certificate holder, or licensee is responsible for being familiar with and following the code of ethics.
- (3) Unethical conduct shall include, but not be limited to, the following:
 - (a) Knowingly circulating untrue, fraudulent, misleading or deceptive advertising.
 - (b) Engaging in sexual activities with clients.
 - (c) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties.

(Rule 1365-1-.13, continued)

- (d) Failure of a social worker to inform clients fully about the limits of confidentiality in a given situation, the purposes- for which information is obtained, and how it may be used.
 - (e) Denial of a client's reasonable request for access to any social work records concerning the client. When providing clients with access to records, the social worker shall take due care to protect the confidences of others contained in those records.
 - (f) Failure to obtain informed consent of clients before taping, recording, or permitting third party observation ,of their activities.
 - (g) Failure to clarify the nature and directions of a social worker's loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the social worker's employing institution.
 - (h) Failure to fully inform consumers as to the purpose and nature of an evaluation, research, treatment, educational or training procedure, and freely acknowledging that clients', students, or participants in research have freedom of choice with regard to participation.
 - (i) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer. Social workers who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.
 - (j) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair independent professional judgment or increase the risk of client exploitation.
 - (k) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.
 - (l) Failure to terminate service to clients and professional relationships with them, when such service and relationships are no longer required. The social worker who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.
 - (m) Setting fees that are unreasonable and not commensurate with the service performed.
 - (n) Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.
- (4) In the event an applicant, certificate holder, licensee, or other individual has a question regarding legal, ethical, and professional standards, neither the Board nor its administrative personnel shall consider such questions unless presented with a proper petition for a declaratory order, subject to the requirements set forth in *T.C.A. §4-5-223*.

Authority: *T.C.A. §§4-5-202, 4-5-204, 4-5-223, 63-23-101, 63-23-102, 63-23-103, 63-23-106, and 63-23-108.*
Administrative History: *Original rule filed April 6, 1994; effective June 20, 1994. Amendment to rule filed February 9, 2000; effective April 24, 2000. Amendment filed August 16, 2002; effective October 30, 2002.*

1365-1-.14 CLINICAL EXPERIENCE.

- (1) Clinical experience as the term is used in *T.C.A. §63-23-101 et seq.* is the practice of clinical social work by a practitioner with a master's degree in social work which includes the following:
 - (a) The professional application of social work theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional and mental disorders;
 - (b) Interventions directed to interpersonal interactions, intrapsychic dynamics, life-support, and management issues; and
 - (c) Assessment, diagnosis, treatment, involving the psychotherapy process based on counseling, client-centered advocacy, consultation, and evaluation of the professional application of social work therapy and methods.
- (2) Clinical social work shall be based on knowledge of one or more theories of human development within the psychosocial context.
- (3) The perspective of person-in-situation is central to clinical social work practice.
- (4) Applicants seeking to be licensed shall cause to be submitted written verification (Verification of Supervision form) specifying that the clinical experience, pursuant to Rule 1365-1-.10, and supervision, pursuant to Rule 1365-1-.14 have been completed.

Authority: *T.C.A. §§4-5-202, 63-23-103, and 63-23-108. Administrative History:* Original rule filed April 6, 1994; effective June 20, 1994.

1365-1-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, AND DECLARATORY ORDERS.

- (1) Upon a finding by the board that a certified master social worker or licensed clinical social worker has violated any provision of the Tennessee Code Annotated 63-23-101 *et seq.*, or the rules promulgated pursuant thereto, the board may impose any of the following actions separately or in any combination deemed appropriate to the offense.
 - (a) Advisory Censure - This is a written action issued to the C.M.S.W. or L.C.S.W. for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal Reprimand - This is a written action issued to a C.M.S.W. or L.C.S.W. for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places a C.M.S.W. or L.C.S.W. on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the C.M.S.W.'s or L.C.S.W.'s activities during the probationary period.
 - (d) Certification or Licensure Suspension - This is a formal disciplinary action which suspends a C.M.S.W.'s or L.C.S.W.'s right to practice for a fixed period of time. It contemplates the re-entry of the C.M.S.W. or L.C.S.W. into practice under the certification/licensure previously issued.
 - (e) Certification or Licensure Revocation - This is the most severe form of disciplinary action which removes a C.M.S.W. or L.C.S.W. from the practice of social work and terminates the

(Rule 1365-1-.15, continued)

certification or licensure previously issued. If revoked, it relegates the violator to the status he possessed prior to application for certification or licensure. However, the Board may in its discretion allow the reinstatement of a revoked certificate or license upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification or licensure from a person whose C.M.S.W. or L.C.S.W. was revoked shall be considered prior to the expiration of at least one year, unless otherwise stated in the board's revocation order.

- (f) Conditions - These include any actions deemed appropriate by the board to be required of a disciplined C.M.S.W. or L.C.S.W. during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked certificate or license.
 - (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (4) of this rule.
 - (h) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee or certificate holder petitions, pursuant to paragraph (2) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (2) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed or uncertified practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
- (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
 - 1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
 - 2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
 - 3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license or certificate previously revoked.
 - (b) Procedures
 - 1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and

(Rule 1365-1-.15, continued)

- (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
 - 2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
 - 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
 - 4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
 - 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.
- (c) Form Petition

Petition for Order of Compliance
Board of Social Worker Certification and Licensure

Petitioner's Name:	_____
Petitioner's Mailing Address:	_____

Petitioner's E-Mail Address:	_____
Telephone Number:	_____
Attorney for Petitioner:	_____
Attorney's Mailing Address:	_____

Attorney's E-Mail Address:	_____
Telephone Number:	_____

(Rule 1365-1-.15, continued)

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a license or certificate previously revoked.

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20_____.

Petitioner's Signature

- (3) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed or uncertified practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
 - (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
 - (b) Procedures
 1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and

(Rule 1365-1-.15, continued)

- (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
 - 2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
 - 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
 - 4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
 - 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.
- (c) Form Petition

Petition for Order Modification
Board of Social Worker Certification and Licensure

Petitioner's Name:	_____
Petitioner's Mailing Address:	_____

Petitioner's E-Mail Address:	_____
Telephone Number:	_____
 Attorney for Petitioner:	 _____
Attorney's Mailing Address:	_____

Attorney's E-Mail Address:	_____
Telephone Number:	_____

(Rule 1365-1-.15, continued)

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20____.

Petitioner's Signature

(4) Civil Penalties

(a) Purpose

The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. §63-1-134.

(b) Schedule of Civil Penalties

1. A Type A civil Penalty may be imposed whenever the board finds a person who is required to be licensed, certified, permitted, or authorized by the Board, guilty of a willful and knowing violation of the practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be, an imminent, substantial threat to the health, safety and welfare of an individual patient or the public. For purposes of this section, willfully and knowingly practicing social work without a permit, license, certificate or other authorization from the board is one of the violations of the Social Worker Practice Act for which a type A Civil Penalty is assessable.
2. A Type B Civil Penalty may be imposed whenever the Board finds the person required to be licensed, certified, permitted, or authorized by the board is guilty of a violation of the Social Worker Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of patients or the public.
3. A Type C Civil Penalty may be imposed whenever the Board finds the person required to be licensed, certified, permitted, or authorized by the board is guilty of a violation of the Social Worker Practice Act or regulations promulgated thereto, which are neither directly detrimental to the patients or public, nor directly impact their care, but have only an indirect relationship to patient care or the public.

(Rule 1365-1-.15, continued)

(c) Amount of Civil Penalties

1. Type A Civil Penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B Civil Penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C Civil Penalties may be assessed in the amount of not less than \$50 and not more than \$ 100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty, and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
 2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the board may, upon good cause shown, assess a type and amount of Civil penalty which was not recommended by the Division.
 3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator:
 - (ii) The circumstances leading to the violation,
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance, and,
 - (v) The interest of the public.
 4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of Title 4, Chapter 5, Tennessee Code Annotated.
- (3) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

Authority: T.C.A. §§4-5-105, 4-5-202, 4-5-204, 4-5-217, 4-5-223, 4-5-224, 4-5-225, 63-1-122, 63-1-134, 63-23-101, 63-23-106, and 63-23-108. **Administrative History:** Original rule filed April 6, 1994; effective June 20, 1994. Amendment to rule filed February 9, 2000; effective April 24, 2000. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed August 9, 2004; effective October 23, 2004.

1365-1-.16 REPLACEMENT LICENSE.

A licensee whose “artistically designed” license has been lost or destroyed may be issued a duplicate license upon receipt of a written request in the board’s administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original license and the required fee pursuant to 1365-1-.06.

Authority: T.C.A. §§ 4-5-202, 63-1-106, and 63-23-108. **Administrative History:** Original rule filed April 6, 1994; effective June 20, 1994.

1365-1-.17 CHANGE OF ADDRESS AND/OR NAME.

- (1) Change of Address - Each person holding a certificate and/or license who has had a change of address shall file in writing with the board his current mailing address, giving both old and new address. Such requests should be received in the board’s administrative office no later than 30 days after such change has occurred and must reference the individual’s name, profession, and certificate or license number.
- (2) Change of Name - Each person holding a certificate and/or license who has had a change of name shall file in writing with the board his current name, giving both old and new name. Such requests should be received in the board’s administrative office no later than 30 days after such change has occurred and must reference the individual’s profession and license number.

Authority: T.C.A. §§4-5-202, 63-1-108, and 63-23-108. **Administrative History:** Original rule filed April 6, 1994; effective June 20, 1994.

1365-1-.18 MANDATORY RELEASE OF CLIENT RECORDS.

- (1) Upon request from a client or the client’s authorized representative, certificate holders and licensees shall provide a complete copy of the client’s record or summary of such records which were maintained by the C.M.S.W./L.C.S.W.
- (2) It shall be the C.M.S.W./L.C.S.W.’s option as to whether copies of the records or a summary will be given to the client.
- (3) Requests for records shall be honored by the C.M.S.W./L.C.S.W. in a timely manner.
- (4) The individual requesting the records shall be responsible for the payment of a reasonable fee to the C.M.S.W./L.C.S.W. for copying and mailing of the records.

Authority: T.C.A. §§4-5-202, 63-2-101, 63-2-102, and 63-23-108. **Administrative History:** Original rule filed April 6, 1994; effective June 20, 1994.

1365-1-.19 BOARD MEETINGS, OFFICERS, CONSULTANT, AND RECORDS.

- (1) Purpose of Board - The board is charged by law with the responsibility of governing the practice of clinical social work.
- (2) Board Meetings
 - (a) The time, place, and frequency of Board meetings shall be at the discretion of the board except that at least one meeting shall be held annually.
 - (b) Special meetings are called at the discretion of the chair or at the request of two members of the board.

(Rule 1365-1-.19, continued)

- (c) All meetings of the board shall be open to the public. Notices of meetings shall conform to all applicable sunshine laws.
- (3) Officers - The Board shall annually elect from its members the following officers:
 - (a) Chair - who shall preside at all board meetings.
 - (b) Secretary - who along with the board administrator shall be responsible for correspondence from the board.
- (4) Responsibilities of the board include, but are not limited to:
 - (a) Adopt and revise rules and regulations as may be necessary to carry out its powers and duties,
 - (b) Adopt examinations;
 - (c) Examine for, deny, withhold, or approve the licensure or certification of an applicant and renew licenses or certificates pursuant to Rule 1365-1-. 09;
 - (d) Establish continuing education requirements
 - (e) Appoint designee to assist in the performance of its duties, e.g., oral examination committee; and
 - (f) Conduct hearings.
- (5) Board Conflict of Interest - Any board member having an immediate personal, private or financial interest in any matter pending before the board shall disclose the fact in writing and shall not vote upon such matter.
- (6) The board has the authority to select a board consultant who shall serve as a consultant to the Division and who is vested with the authority to do the following acts:
 - (a) Recommend whether and what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the Division.
 - (b) Recommend whether and under what terms a complaint, case or disciplinary action might be settled. Any matter proposed for settlement must be subsequently ratified by the full Board before it will become effective.
 - (c) Undertake any other matters authorized by a majority vote of the board.
- (7) Records and Complaints
 - (a) All requests, applications, notices, other communications, and correspondence shall be directed to the board administrative office. Any requests or inquiries requiring a board decision or official Board action, except documents relating to disciplinary actions or hearing requests, must be received 14 days prior to a scheduled board meeting and will be retained in the administrative office and presented to the board at the board meeting. Such documentation not timely received shall be set over to the next board meeting.
 - (b) All records of the board, except those made confidential by law, are open for inspection and examination during regular office hours, under the supervision of an employee of the Division at the board's administrative office.

(Rule 1365-1-.19, continued)

- (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
- (d) Complaints made against a licensed or certified practitioner become public information only upon the filing of a notice of charges by the Department of Health.
- (e) All complaints should be directed to the Investigations section of Health Related Boards.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-117, 63-23-101, 63-23-102, 63-23-103, 63-23-106, 63-23-108, and 63-23-109. **Administrative History:** Original rule filed April 6, 1994; effective, June 20, 1994. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed September 4, 2003; effective November 18, 2003.

1365-1-.20 CONSUMER RIGHT-TO-KNOW REQUIREMENTS.

- (1) Malpractice Reporting Requirements - The threshold amount below which medical malpractice judgments, awards or settlements in which payments are awarded to complaining parties need not be reported pursuant to the "Health Care Consumer Right-To-Know Act of 1998" shall be ten thousand dollars (\$10,000).
- (2) Criminal Conviction Reporting Requirements - For purposes of the "Health Care Consumer Right-To-Know Act of 1998, the following criminal convictions must be reported:
 - (a) Conviction of any felony; and
 - (b) Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one or more of the following:
 - 1. Sex.
 - 2. Alcohol or drugs.
 - 3. Physical injury or threat of injury to any person.
 - 4. Abuse or neglect of any minor, spouse or the elderly.
 - 5. Fraud or theft.
 - (c) If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-23-101, 63-23-108, 63-51-101, et seq., and Public Chapter 373 of the Public Acts of 1999. **Administrative History:** Original rule filed February 9, 2000; effective April 24, 2000.

1365-1-.21 PROFESSIONAL PEER ASSISTANCE.

- (1) The Board has the prerogative to refer for assessment(s), and if needed, treatment for presenting problem(s), any licensee, certificate holder or applicant voluntarily or involuntarily coming before the Board.
- (2) As an alternative to disciplinary action, or as part of a disciplinary action, the Board may utilize the services of a professional assistance program, as approved by the Board, for situations regarding licensee or certificate holder substance abuse, chemical abuse, or lapses in professional and/or ethical

(Rule 1365-1-.21, continued)

judgments. Information regarding persons entering the program upon referral by this Board shall be confidential.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-136, 63-23-106, and 63-23-108. **Administrative History:** Original rule filed August 16, 2002; effective October 30, 2002.

1365-1-.22 FREE HEALTH CLINIC AND VOLUNTEER PRACTICE REQUIREMENTS.

(1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201

- (a) Any social worker licensed or certified to practice in this state or any other state who has not been disciplined by any licensure board may have his/her license or certificate converted to or receive a Tennessee “Special Volunteer License,” as defined in T.C.A. § 63-1-201, which will entitle the licensee or certificate holder to practice without remuneration and solely within a “free health clinic,” as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:
 - 1. Obtaining from the Board’s administrative office a “Special Volunteer License” application, completing it and submitting it along with any required documentation to the Board’s administrative office; and
 - 2. Have the licensing authority of every state in which the social worker holds or ever held a license or certificate to practice submit directly to the Board’s administrative office the equivalent of a “certificate of fitness” as described in T.C.A. § 63-1-118 which shows that the license or certificate has never been subjected to any disciplinary action and is free and clear of all encumbrances; and
 - 3. For social workers who have not been licensed or certified in Tennessee, comply with all provisions of subparagraphs (3) (e) and (3) (f) of rule 1365-1-.05 and the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and
 - 4. Submitting the specific location of the site or setting of the free health clinic in which the licensee or certificate holder intends to practice along with proof of the clinic’s private, and not-for-profit status.
- (b) A social worker holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board’s biennial birthdate renewal system.
- (c) A social worker holding a Special Volunteer License may not do any of the following:
 - 1. Practice anywhere other than in the free health clinic site or setting specified in the application; and
 - 2. Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of medical or any other services; and
 - 3. Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.

(Rule 1365-1-.22, continued)

- (d) Special Volunteer Licenses are subject to all of the following
 - 1. All rules governing renewal, retirement, reinstatement and reactivation as provided by rules 1365-1-.09 and .11, except those requiring the payment of any fees; and
 - 2. The rules governing continuing education as provided by rule 1365-1-.12; and
 - 3. Disciplinary action for the same causes and pursuant to the same procedures as all other licenses and certificates issued by the Board.
- (2) Practice Pursuant to the “Volunteer Health Care Services Act” T.C.A. §§ 63-6-701, et seq.
 - (a) Any social worker licensed or certified in this or any other state, territory, district or possession of the United States whose license or certificate is not under a disciplinary order of suspension or revocation may practice in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (b) Any person who may lawfully practice in this or any other state, territory, district or possession of the United States under an exemption from licensure or certification and who is not under a disciplinary order of suspension or revocation and who is not and will not “regularly practice,” as defined by T.C.A. § 63-6-703 (3) may practice in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (c) A social worker or anyone who practices under an exemption from licensure or certification pursuant to this rule may not charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of medical or any other services; and may not practice for any organization that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
 - (d) Any organization that organizes or arranges for the voluntary provision of health care services on residents of Tennessee may utilize persons described in subparagraphs (a) and (b) to practice only when it has complied with the provisions of T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
- (3) Application review and decisions for these types of licensure/certification or organization registration shall be governed by rule 1365-1-.07.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-201, 63-6-701 through 63-6-707, 63-23-102, 63-23-103, 63-23-108, 63-23-109, and 63-23-110. **Administrative History:** Original rule filed December 9, 2005; effective February 22, 2006.